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Title: Further discussion on the motion for consideration of the Delhi Special Police Establishment (Amendment) Bill, 2014.

HON. SPEAKER: Now the House shall take up Item No.14.

Shri Dharam Vira Gandhi to speak.

...(*Interruptions*)

HON. SPEAKER: Only his speech will go on record.

*(Interruptions) â€¦**

SHRI DHARAM VIRA GANDHI (PATIALA): Madam, the selection panel being put by the Government is okay. Instead of taking the Leader of the Opposition, they have accepted the leader of the largest party. But there is one fear that the quorum should be complete before appointment of such a very important position is made. So, I think it should be mandatory that the leader of the largest party should be present while making selection of the Head of the CBI. So, it is my request to the House, through you, that let us all ensure that the leader of the largest party is a must for taking any decision before the appointment of the CBI Director is made.

DR.K. KAMARAJ (KALLAKURICHI): Respected Speaker Madam, I am thanking you for allowing me to speak on the Delhi Special Police Establishment (Amendment) Act.

Initially, this Act was established in the year 1886 to try the cases of war crimes. This Act was amended in the year 1946. This Act was amended to try the cases of war crimes and corruption. Again, this Act was amended in the year 1963. At that time, the Central Bureau of Investigation (CBI) was formed. Under this Act, initially the cases were tried with the acceptance of the State Governments and Union Territories. Again this Act was amended in 2013 under the Lokayukta Act because of the doubt that in selection of the Director, personal influences and political influences play a major role.

So, in the Selection Committee, they included the Prime Minister, the Chief Justice of India and the Leader of the Opposition. Since the people have now given a mandate where there is no single Opposition party who got the position of the Leader of the Opposition, now the need arises to amend the law to include the leader of the largest Opposition party in the selection panel.

But one thing we must remember is that the previous Government used the CBI to target its opponents and it had a political vendetta to try the opponents and file false cases. Also, the previous Government used the CBI to control scams like coal scam and 2G. The Supreme Court has given an adverse remark against the CBI Director.For this type of political vendetta CBI should not be used.

Another reason is, the same previous Government, our leader, people's Chief Minister, hon. Puratchi Thalivi Amma had a reservation about relieving a police officer from the Tamil Nadu cadre. The Central Government spontaneously withdrew the official from the State Government's pool without the consent of the State Government which affects the federal setup of the India because they had a political interest in transferring the individual from the Tamil Nadu State cadre to the Central cadre and she was selected as an Additional Director in the CBI. This type of political vendetta CBI should not be done.

We completely accept the inclusion of the Leader of the Opposition in the panel. Also, we accept the inclusion of the another clause that in the absence of two members or if there is any vacancy, the CBI Director still can be selected. We completely accept the amendment. We support the amendment Bill. Thank you Madam.

SHRI M. VEERAPPA MOILY (CHIKKABALLAPUR): Madam Speaker, even though this amendment to the Delhi Special Police Establishment (Amendment) Bill, 2014, looks very simple and a technical one, it is not as if it is very simple. Any law made by any Government is not done only to meet with contingencies. The law is always meant to be made universal. I think this reflects the short-sightedness on the part of the Government that they would like to meet some contingency which has arisen today.

Of course, I think they need to do it with other Acts. About 10 Acts they will have to amend just to accommodate their short-sighted, narrow and selfish motive. I will say, this is rather abuse of the Parliamentary procedure and abuse of the Parliamentary power. More so, I am more concerned about you. Why should your valuable time and the valuable time of the Parliament be misused like this which is unwanted and unwarranted? Is it for what purpose? What is the public interest involved?

I do not blame the hon. Speaker because ultimately everything goes by the policy, proposal or the attitude of the Government in power. We are not begging for the post. But they should have straightaway admitted the leadership of the Opposition. They need not have interpreted it in their own way. I do not think the laws are meant to be interpreted in favour of this lobby or that party. Laws are to be universally interpreted. That is the principle by which laws of any country are laid down. I find total deviation from it.

Madam, they have misrepresented the facts. It is so palpable, so clear, so open. The amendments, which they have proposed, particularly clause 2 (b) mentions "Leader of the Opposition recognised as such in the House of the People or where there is no such Leader of Opposition, then, the Leader of the single largest Opposition Party in that House–Member". I must appreciate the liberal attitude taken by you to give him the Leader of the Opposition seat. He has occupied it. For every purpose, for all protocols, you recognised it. But, they refused it. That is arrogancy of power. It can happen only in dictatorship and not in parliamentary democracy. So, this is very clear.

In section (2) of clause 2 (b), it is mentioned "No appointment of a Director shall be invalid merely by reason of any vacancy or absence of a Member in the Committee". What is the reason given? Let us go through the Statement of Objects and Reasons. They mentioned in the Statement of Objects and Reasons that "it is considered appropriate to amend clause (b) of sub-section (1) of section 4A of the Delhi Special Police Establishment Act, 1946 and make enabling provision for inclusion of the Leader of the single largest Opposition Party in the House of the People as a Member of the said Committee." This is important. The next sentence is quite important. It says, "Keeping in view the legislative practice followed in this regard, it is proposed to provide that no appointment of a Director shall be invalid merely by reason of any vacancy or absence of a Member in the Committee". Where is the legislative practice?

Let them show one enactment where such a legislative practice has been followed. Let us see the latest Act, the Lokpal and Lokayukta Act. Is there any practice followed? Here you say, in a simple sentence, in section (2) of clause 2 (b), "no appointment of a Director shall be invalid merely by reason of any vacancy in the selection Committee". Where is the absence? From where did they get this practice? This is totally derogative. I am happy that one of our Members from BJP has raised this issue as well. There is no such vacancy. It means that they would like to play some mischief. You know that some time a short notice is given, some time no notice is given, some time meeting is called suddenly and entire process is short-circuited. How can they do it? It is a criminally motivated act on the part of the Government.

Yesterday, one hon. Member raised the same issue. If you say 'â€¦.any vacancy in the selection committee', I want to know where the absence is. Then, they say 'legislative practice'. Where is such legislative practice followed? Let them show one Act. Of course, they will create this kind of a very wrong, criminal precedent today to support that. They may do it. Now, this will be the practice. Suppose, in this House they adopt this, this will be a legislative practice now. Are we to lay down such kind of a precedent today? Madam, I think they will have to be hauled upon this kind of a criminal, ill-motivated act. They can play any mischief under this.

When certain rights are given, they cannot be taken away. If such a right is intended to be deprived of to that Member, which is legitimately due to him, it is, I will rather say, an illegitimate amendment. One has to be careful today. If they have done it today in this case, tomorrow they will do it in many other cases. That is why there are serious implications on this. I do not think that any reasonable and sane-minded Member of this House can approve this. We totally oppose it. Otherwise let them come out with an amendment, we will support the entire Bill. We have to remove that clause, delete that clause. Otherwise, we have very serious objections. We would not like to lay an illegitimate, wrong, criminal legislative practice in this House. It has never happened in the history of Parliament or history of any legislature of any State. We are credited to have the best parliamentary practice. We have the largest parliamentary democracy in the world. Are we to lay down such precedence to the detriment of that kind of a reputation, which has been enjoyed all the 60 years?

Madam, institutions are important for nurturing the democracy of any country. You can just see North Korea and South Korea. The people are of same ethnic group. But, the parliamentary and democratic institutions, which are built in South Korea, are not built in North Korea. That is why the North Korea suffers. Whereas there is a good parliamentary practice and accountability in South Korea, there is anarchy and maladministration in North Korea.

12.39 hrs (Hon. Deputy-Speaker *in the Chair*)

Madam, it is said by many political theoreticians, 'If the institutions fail, democracy fails'. Democracy fails because of the institutions. We have to zealously guard it in this case. I am afraid that they may do so many things. Day before yesterday, I had seen in a newspaper that the UPSC Chairman had been appointed overruling the precedents. The precedent is that the UPSC Chairman should be selected from amongst the senior most members from the UPSC. That has been given a go bye. An outsider, totally a new man, instead of becoming a member, suddenly becomes the Chairman. I think they have started destroying these democratic institutions. For what purpose; what is your motive?

Shri Advani ji is here. He has been the longest serving Member of this House. I think in your own presence, this kind of sabotage is being done. This kind of sabotage is being done on all the institutions. That is why I started saying that even though it may look highly technical and insignificant, it may have far reaching repercussions, consequences and ramifications in the functioning of the democratic institution. This way, the Parliament cannot be misused and abused for that kind of a thing.

Hon. Deputy-Speaker, Sir, I would rather say that a lot of things are being said in the Supreme Court on the CBI. I am not concerned about the persons, but we are concerned about institutions. I think that today because of mishandling of the entire thing regarding that institution before the Supreme Court we see CVC *v/s*. CBI; Supreme Court *v/s*. CBI; and CBI *v/s*. CBI, and CBI moles are there to sabotage within the institutions. Where are we going? The present Government just enjoys about what is happening around.

Of course, you can attribute for your own convenience about the person, but when the Supreme Court questions the credibility of the institution, then I think that the entire Parliament should stand together to uphold that credibility. Have we done it? We rather enjoy it sometimes. It is a sadistic approach to just enjoy and allow that kind of degradation of a democratic institution.

If there is anything going wrong, then what is the response from the Government? The Government cannot respond to anything and neither say that if any person is misusing or abusing a particular office, then at least ask him to go on leave. This has not been done here. I never wanted to quote certain allegations, but the CBI Chief himself is making allegations against the Attorney General of India and Attorney General is making allegations against the CBI, Director. Here, it is never heard of. These things are happening before the Supreme Court, and that kind of an attitude is there. Sometimes, it is being said and forgive me for saying that the CBI, Director himself said that the Attorney General is a mole. Unfortunately, everything is said and it is most unfortunate.

Hence, I again ask the Government to come out with a comprehensive amendment for the Delhi Special Police Establishment Act. It is still pending. We have drafted one, and instead of bringing one amendment after another just because it is convenient / expedient to us, is not going to serve the country and it is not going to sustain ...(*Interruptions*)

SHRI BHARTRUHARI MAHTAB (CUTTACK): Read the Law Commission Report.

SHRI M. VEERAPPA MOILY: Yes, they have already suggested it. I think that something will have to be done urgently to ensure that credibility of the office of CBI, Director is upheld because the highest investigating office cannot be put to this kind of disabuse. In fact, you have listed this as the first Bill to be approved, and already some 4 or 5 names are being considered for selection by the Selection Committee. I do not know, but some of the probable names are themselves suspects. Yes, I know that they may make this kind of a selection, and they think that every selection is their personal selection. It is not objective; it smacks of motivation; it smacks of lobbying and *mala fide* intention. It shows they are in a hurry. If they are in a hurry to appoint somebody, who is in their mind and not in the real credible list, it will be the most mischievous one and, ultimately, the selection will be blurred. I am afraid it is being done with a view to accommodate somebody. It will be quite appropriate if the panel of names is prepared and sent by the Select Committee instead of a single individual. One individual cannot do that and it should be strictly avoided.

Since the Apex Court is seized of the matter, I do not want to say many other things. However, I must say that it will be a black day in the history of our Parliament, if the second part of the amendment is adopted. I believe all of us should put our heads together, and I think the entire House should reject this particular clause. Otherwise, it will definitely create a very bad precedent in the country and in the legislative history of the Parliament.

श्री कौशलेन्द्र कुमार (नालंदा) : उपाध्यक्ष महोदय, सरकार डी.एस.पी.ई. एक्ट के सेक्शन 4(ए) में अमेंडमेंट के लिए यह बिल लेकर आयी है। मैं अपनी पार्टी की ओर से इस पर अपना मत व्यक्त करने के लिए खड़ा हुआ हूं।

महोदय, एक्ट में पहले से यह प्रावधान है कि तीन सदस्यों में से एक प्रधानमंत्री, दूसरा लोक सभा में विपक्ष के नेता और तीसरा सर्वोच्च न्यायालय के मुख्य न्यायाधीश या उनके द्वारा नामित कोई अन्य न्यायाधीश मिल कर सीबीआई के निदेशक की नियुक्ति करेंगे। परन्तु सरकार ने सोलहवीं लोक सभा के गठन के बाद एक अलग ही नियम बना कर दस प्रतिशत के आंकड़े का जो खेल खेला है, उसी के परिणामस्वरूप इस बिल को लाने की आवश्यकता हुई है। अंततोगत्वा सदस्य तो कांग्रेस पार्टी का ही होगा।

दूसरा, सरकार ने इस प्रक्रिया के लिए कोई समय सीमा तय नहीं की है कि सेवानियुक्ति के कितने दिनों पहले यह प्रक्रिया आरम्भ की जाएगी? यह भी इस बिल में प्रावधान होना चाहिए।

तीसरा, सरकार अब यह व्यवस्था कर रही है कि कोई सदस्य अनुपस्थित है या उसकी सदस्यता कमेटी में नहीं है तो भी सीबीआई के निदेशक की नियुक्ति सरकार कर लेगी, यह तो विरोधाभास लगता है। जब तीन सदस्यों का नियम है तो यह पूर्णरूपेण प्रावधान हो कि तीनों सदस्यों की उपस्थिति में और रज़ामंदी से उनके द्वारा सीबीआई के निदेशक की नियुक्ति की प्रक्रिया पूर्ण हो। आशा है कि सरकार इन बिंदुओं का ध्यान रखेगी।

SHRI P.V. MIDHUN REDDY (RAJAMPET): Sir, as we all know, the Delhi Special Police Establishment is a vintage one and it was established during the British Rule to curb corruption and bribery in the then Government. Later, this was merged with the CBI in 1963. We, on behalf of YSR Congress Party, support this amendment. If you consider the larger interest of the people, it is insignificant whether the Leader of the Opposition or the leader of the single largest party is going to be made a member of the Committee. What is more significant is the fact that the CBI has become a tool in the hands of the ruling party to intimidate, control and destabilize the Opposition. Sir, the CBI is being used as a tool for pursuing their political vendetta. The Supreme Court in the recent cases like the Hawala case pulled the CBI for not probing the influential people and more recently, the Supreme Court has termed the CBI as a 'caged parrot'. The usage of the term 'caged parrot' by the Supreme Court reiterates the demand for greater autonomy so that the CBI operates in an impartial manner.

Sir, I would like to bring to your notice a classic example of this from my State of Andhra Pradesh. Our Leader YS Jagan Mohan Reddy was not in power. He had never signed any file. He was the son of former Chief Minister. Though he was not holding any office of Profit, the CBI took a probe on him just for the reason that he had come out of the then Ruling Party and the CBI filed cases against him at the behest of the then Ruling Party.

Sir, the interesting fact is that during the same period, the Leader of the Opposition demanded for a CBI probe on him but the CBI stayed away saying that they had shortage of manpower. During the same period, 28 teams were working on Mr. Jagan Mohan Reddy. We can understand the double standards of the CBI and it is merely a tool in the hands of the Ruling Party. The caveat in Vineet Narain pronouncement by Supreme Court in 1999 says that the State should away from the investigations and it should not interfere in the investigations being conducted by the investigative agencies. But the regular violation in this has prompted the Apex court to insist for the greater autonomy and there is a need for fairness in the investigations conducted by the CBI. Sir, for the CBI to be a genuine organisation, not just a political tool, we need to enact laws where there guidelines are properly fixed and where justice can be done to the normal people.

Sir, I would like to sum up by saying that the CBI should be a tool to enforce the law and not a tool in the law-makers hands.

SHRI ADHIR RANJAN CHOWDHURY (BAHARAMPUR): Sir, already Veerappa Moily Ji has expressed the views of our Party vis- Ã -vis the amendment,

namely, Delhi Special Police Establishment (Amendment) Bill, 2014. The Bill appears to be insignificant but it is potentially explosive and ambiguous in view of the Parliamentary niceties of our country. Sir, simply I would like to draw your attention that the sub-clause (ii) of the Clause 2 of Bill which states:-

"No appointment of a Director shall be invalid merely by reason of any vacancy or absence of a Member in the Committee."

Sir, why is this Bill emphasizing on the vacancy? The proposed Committee consists of the Prime Minister, the Chief Justice of India and the Leader of the single largest party. Sir, we know that this legislation is a fall out of the Government's intrasigence and obstinacy of not accommodating the views of the Opposition but later was forced to bring this amendment in order to by-pass the legislative hurdle which is legitimate and valid in the Parliamentary procedure. I simply like to draw your attention that there is a severe ambiguity in this particular clause that I have just referred to you.

It is alright that you are now making the leader of the single largest opposition party a member of the Committee. I am raising this question just for the sake of interpretation and to understand the intent of the lawmakers. Assume for a second that this amendment Bill had been passed say two months back and you have to appoint the CBI Director now. In that scenario, you could as well have not made the leader of the single largest opposition party a member of the Committee by dint of the second proviso where it has been clearly mentioned that no appointment of a Director shall be invalid merely by reason of any vacancy or absence of a member in the Committee. Is this the intent of the legislation? I am very much focusing on the intent of the legislation because once the intent of a legislation is clearly expressed, then you could easily understand the desire of this Government. I wish to understand the reason behind incorporating this provision. Why has this Government incorporated this provision in this legislative document? Keeping what kind of circumstances in view this provision is being made that what I would like to understand. Naturally, in accordance with our Party's views, I propose that this be corrected before obtaining our consent on this Bill.

CBI is a premier organisation and we do not want to see any kind of political tinkering with the day-to-day performance of CBI. Here the intent of the Government is totally *mala fide*. This Government is trying to push their own agenda through this legislative amendment. Therefore, I oppose tooth and nail this legislation that has been brought by this Government.

श्री राजेश रंजन (मधेपुरा) : उपाध्यक्ष महोदय, हमारे विपक्ष के नेता श्री वीरप्पा मोइली ने जिस संदर्भ में बात रखी है और श्री अधीर रंजन चौधरी ने भी जिन बातों को कहा है, इनके इतना कहने के बाद कुछ बचता नहीं है, लेकिन मैं यह जरूर कहना चाहूंगा कि बहुत सशक्त और मजबूत सत्ता होने का क्या मतलब है कि कम्पलीट ..* की तरह शासन करना या विपक्ष की मर्यादा का ख्याल रखते हुए अपनी मर्यादा और पारदर्शिता को भी बचाकर रखना। क्या आप इस बात को हमेशा भूल जाते हैं कि ....* हमेशा बड़ी गलती करता गया, उसने छोटी गलती नहीं की और आप भी बड़ी-बड़ी गलती करते जा रहे हैं। आप दो बड़ी गलतियां कर चुके हैं, जिन्हें मैं अभी सदन में नहीं कहूंगा। आप इन चीजों को भूलें नहीं, आप इतिहास से सबक सीखें कि .....* ने जितनी बड़ी गलती की थी और जो हश्र .....* का हुआ, वह हश्र कल आपका न हो, इस बात का जरूर ख्याल रखें।

जहां तक इस विधेयक और विपक्ष का सवाल है, आप जिस तरीके से बिलों में लगातार कुछ न कुछ नये अमैन्डमैन्ट्स लाकर जिस तरीके से विपक्ष को नजरअंदाज करते जा रहे हैं, यह सरकार की सेहत के लिए और लोकतांत्रिक मूल्यों के लिए उचित नहीं है। हम यह जरूर चाहेंगे कि आप जिन बिलों को आज जिस अमैन्डमैन्ट के साथ लाना चाहते हैं, उसमें यदि आप बहुत मजबूत है, निश्चित रूप से आप बहुत सशक्त और ताकतवर हैं, आप देश बनाना चाहते हैं, फिर आप कमजोर विपक्ष से डरते क्यों हैं। क्यों नहीं आप कमजोर विपक्ष को और मजबूत करके अपनी ताकत को मजबूत करते। मुझे सीबीआई के बारे में कुछ ज्यादा नहीं कहना है कि यह देश, दुनिया और हर व्यक्ति इस बात को बोलता है कि सीबीआई कौन सा इंस्ट्रूमैन्ट है। अभी सुप्रीम कोर्ट में जो बातें सीबीआई डायरेक्टर के बारे में आई हैं, इसका क्या कारण है। यदि सीबीआई इंस्ट्रूमैन्ट इतना मजबूत है तो लोकपाल जैसे बिल को लाने की बात क्यों आई और इतने दिन अन्ना हजारे ने इस देश में जिस तरीके से आंदोलन किया, उन्हें लगातार इतने बड़े आंदोलन में बैठने की जरूरत नहीं पड़ती।

मेरा आग्रह इतना ही है कि आप किसी भी तरह का बिल लायें, जिस भी इंस्ट्रूमैन्ट के लिए आप बिल लाते हैं, जिस संस्था को बनाने के लिए बिल लाते हैं, उस संस्था को मजबूत जरूर बनायें।

13.00 hrs.

लेकिन वह संस्था स्वतंत्र कैसे हो? उसकी पारदर्शिता इस देश में कैसे बचे? आम लोगों को उसकी मजबूती और पारदर्शिता से कैसे न्याय मिले? इस बात का ख्याल जरूर रखा जाए। लोकपाल बिल जिन चीजों कि लिए लाया गया था, लोकपाल बिल को ध्यान में रखते हुए और विपक्ष की जो राय है, उसको ध्यान में रखते हुए आप उन बिल को पास करने का प्रावधान लाएं। आप ऐसा कुछ न करें, जिससे देश के लोकतांत्रिक ढांचे को खतरा हो और आपसे देश को खतरा हो और यह लोकतंत्र समाप्त हो जाए। ऐसा कोई काम आप नहीं करें। इसलिए आप तत्काल इस बिल को स्थगित करें और बड़े व्यापक रूप से इस बिल को लाने के लिए विपक्ष के नेताओं की सहमति लें और सहमति ले कर इस बिल को लाएं। मैं आपसे यही कह कर अपनी बात समाप्त करता हूँ।

SHRIMATI ANUPRIYA PATEL (MIRZAPUR): Thank you, hon. Deputy-Speaker, Sir.

On behalf of my party, Apna Dal, I welcome the Delhi Special Police Establishment (Amendment) Bill, 2014 as I feel it clearly reflects the NDA Government's faith and commitment towards the principles of democracy.

As I understand, by now, the entire House has understood the reason for the urgency in the passage of this Bill. I appreciate the Government's move to amend Section 4(a) in order to include the leader of the single largest opposition party in case of unavailability of the Leader of the Opposition in the three-member selection panel for the appointment of the CBI Director. I feel that the entire House stands in unity for this proposed amendment. However, several hon. Members from the Opposition have expressed their reservations about the second amendment which

has been proposed by the Government which says that the appointment of the CBI Director shall not stand suspended or will be delayed on account of the absence of one member out of the three-member selection panel.

As far as the appointment of the Director is concerned, here I feel the apprehension with the Members who have raised their reservations is that the Government may act arbitrarily, the Government may thrust its choice. However, I appeal to the House to notice the composition of the selection panel which consists of three members wherein only one member is the representative of the Government, which is our hon. Prime Minister. So, in any case, even if one member is absent, the Committee is not going to be biased. It will be unbiased even in the case of one member being absent. So, why are we assuming that there will be non-seriousness to the extent that one member out of the three-member panel is going to be absent on a permanent basis? I strongly believe that with some seriousness and some alertness on the part of the Government and the largest opposition party, we can be sure that the third member is always present on the panel.

I feel, the Government has proposed the second amendment keeping in view an exceptional situation where the third member may be absent on account of certain specific reasons. However, in such exceptional circumstances, the vacancy cannot be maintained. The crucial appointment of the CBI Director has to be made. It cannot be held up in the larger interest of the nation because nationwide the citizens have great faith and belief in the institution of CBI. There are so many cases where people have expressed their faith in the inquiries made by CBI. Therefore, I feel, for trivial reasons, the appointment to the post of the CBI Director should not be held up. It is very essential and timely to pass this Bill with the proposed two amendments.

I once again extend my fullest support to the Bill which has been proposed by the Government.

SHRI MALLIKARJUN KHARGE (GULBARGA): I do not want to make a lengthy speech but just want to mention only two or three points. You have brought the Bill to overcome the difficulties in appointing the Director of the CBI because in the definition, the Leader of the Opposition is mentioned. To overcome that difficulty, a new definition is given and according to that, you want to proceed. इससे यह हो रहा है कि डेमोक्रेसी में विश्वास रखने वाले लोग, अगर सारे कानून को डायलूट करते रहे तो यह देश के हित में अच्छा नहीं होगा और लोकतंत्र के लिए भी अच्छा नहीं होगा। The Salary and Allowances of Leaders of Opposition in Parliament Act, 1977. आप जानते हैं, उसमें यह है, The leader in that House of the party in opposition to the Government having the greatest numerical strength is given. This is the definition in the Salary and Allowances of Leaders of Opposition in Parliament Act, 1977. इसको आप रेकग्नाइज नहीं कर रहे हैं। इसको इसलिए रेकग्नाइज नहीं कर रहे हैं कि यह सिर्फ सैलरी एंड एलाउंसेज के लिए डेफिनिशन है। अगर आप इस डेफिनिशन को मानते हैं तो आपको दिल्ली स्पेशल पुलिस एस्टैब्लिशमेंट एक्ट में अमेंडमेंट करने की जरूरत नहीं है, लोकपाल एक्ट में अमेंडमेंट करने की जरूरत नहीं है, सेंट्रल विजिलेंस कमीशन एक्ट को अमेंड करने की जरूरत नहीं है, सेंट्रल इन्फार्मेशन कमीशन एक्ट को अमेंड करने की जरूरत नहीं है। नेशनल ह्यूमन राइट्स कमीशन सहित ये सारे दस एक्ट आप अमेंड कर रहे हैं, सिर्फ एक समस्या को ओवर कम करने के लिए। उसके बजाए एक एक्ट में जो है, अगर उसको मान्यता दें तो इन सारे दस एक्ट में अमेंडमेंट की जरूरत नहीं होगी, आवश्यकता भी नहीं होगी, अगर आपको सही मायने में डेमोक्रेसी में विश्वास है।...(व्यवधान) हमेशा ऐसा होता है, ऐसी सिचुएशन आती है, जब ऐसी सिचुएशन आती है, तो उसको ओवर कम करने के लिए अगर आप इस डेफिनिशन को मान जाते तो दस एक्ट अमेंड करने की आवश्यकता नहीं है और उससे एक प्रीजिडेंट बन जाता है कि जो कुछ भी है, वह रूल्स के मुताबिक होगा।

दूसरी चीज, जो आज आप डिनाई कर रहे हैं, वह एक स्पीकर की रूलिंग है। मैं आपसे भी अपील करता हूँ।

Mr. Deputy-Speaker, Sir, I am appealing to you also. It is the Speaker's ruling, whether it is the great Speaker, Shri Mavalankar Ji or other previous Speakers. You have got that power to overrule that ruling. If you simply overrule that and create a new precedent, all these ten Acts need not be amended now. आप उसके लिए भी तैयार नहीं हैं और सैलरी एंड एलाउंसेज एक्ट की डेफिनिशन को मानने के लिए भी आप तैयार नहीं है। इसका मतलब यह होता है कि आप अपोजीशन को, क्योंकि, वह न्यूमेरिकली स्ट्रेंग्थ नहीं है, इसको हम सप्रेस कर सकते हैं, इसको हम किसी ढंग से भी झुका सकते हैं। हम चाहे दस हों, बीस हों, चालीस हों या पचास हों, हम झुकने वाले नहीं है। हमारा सिर कट जाएगा, लेकिन हम झुकने वाले नहीं है। ...(व्यवधान) मैं आपसे निवेदन करता हूं कि अभी भी वक्त है। यहाँ प्रीजिडेंट क्रिएट कर सकते हैं या इस डेफिनिशन को मान सकते हैं। ये तो एक हाथ से लार्जेस्ट पार्टी को दे रहे हैं और दूसरे हाथ से ले रहे हैं, क्योंकि, आपका जो अमेंडमेंट है, अगर उसमें कोई एक सदस्य भी अब्सेंट है या किसी वजह से उसे नोटिस नहीं मिला या समय के अनुसार उसके पास पहुँचा नहीं, ऐसा तो बहुत दफा होता है, हमारी पार्टी के नोटिसेज बहुत से लोगों को जल्दी नहीं मिलते हैं, आपकी पार्टी के सदस्य लोगों को भी नहीं मिलते होंगे। हमेशा ऐसा होता रहता है। अगर उस बहाने से कोई इसका मिसयूज़ करना चाहते हैं तो वे कहेंगे कि क्या किसी दिन हमें इंटीमेट किया था। वे अपोज़ीशन लीडर नहीं है या फलां कोई लीडर नहीं है या मैम्बर नहीं है। इसलिए अपॉइंटमैंट वैलिड है। आपको वैलिडेट करने के लिए उसको भी अमैंडमैंट करना है। यह जो हथियार आप अपने हाथ में ले रहे हैं, यह बहुत बड़ा डेन्जर है। यह वैपन दुधारी तलवार के जैसा है। इसलिए मैं आपसे अपील करता हूँ कि एक तो कॉप्रिहैन्सिव अमैंडमैंट लाकर आप काम कीजिए। नहीं है तो सैलेरीज़ एंड अलाउंसेज़ एक्ट में जो मान्यता दी, उसको तो मानिये। वह नहीं है तो उसको ओवररूल करके नया प्रिसिडैन्ट क्रियेट कीजिए। ...(व्यवधान) If you are really interested in democratic principles and you want to do it in a right spirit, then you withdraw it. You bring a comprehensive Bill. Otherwise, if you want to respect democracy, if you want to respect Opposition and if you want a strong Opposition which is not just for walk out and for making *galata* and if you really want constructive suggestions and want to solve some issues concerning the country, you do that. If you just want to manage and suppress the views of the Opposition, you have majority and you can go ahead. I know Shri Venkaiah Naiduji is in a hurry to do it. अभी बहुत दिन हैं भई! पहले तो आपने 60 महीने मांगे थे, अब 200 दिन हो गए हैं, नज़दीक हो रहे हैं, 180 दिन हो गए हैं। इसलिए उतना गड़बड़ मत कीजिए। लेकिन सबके हित में यह बिल नहीं है इसलिए इसको विदड्रॉ कीजिए और नया बिल लाइए या रिकॉग्नाइज़ कीजिए।

HON. DEPUTY SPEAKER: I think Shri Kharge should not have commented on Speaker's Ruling.

...(*Interruptions*)

SHRI MALLIKARJUN KHARGE : I have only appealed and I have not commented. You can find it out...(*Interruptions*)

HON. DEPUTY SPEAKER: I will go through the records and find it out.

THE MINISTER OF URBAN DEVELOPMENT, MINISTER OF HOUSING AND URBAN POVERTY ALLEVIATION AND MINISTER OF PARLIAMENTARY

AFFAIRS (SHRI M. VENKAIAH NAIDU): Hon. Deputy Speaker, Sir, I would not have intervened but for the comments made by the Congress Party leader, Shri Khargeji. कोई सिर काटने वाले नहीं हैं। वह काम हम करते नहीं है, आप निश्चिंत रहिये। ...(व्यवधान) We are dealing with senior people. Please have some patience.

दूसरी बात यह है कि लोकतंत्र में विपक्ष को मज़बूत करना या नहीं करना जनता तय करती है, हम लोग तय नहीं करते हैं। तीसरा मेरा कहना है कि जो लोकतंत्र की स्पिरिट है, उसी को ध्यान में रखते हुए हम यह प्रस्ताव ला रहे हैं, संशोधन ला रहे हैं। अनुपस्थिति के बारे में आपने जो चर्चा की, यह नियम किसने बनाया, लोकपाल बिल से लेकर पूरा इतिहास आपको याद होगा। तीसरा, खड़गे जी जैसे व्यक्ति से बाकी लोगों को भी सीखना चाहिए, सुबह आकर आखिर तक बैठने वाले लोगों में नंबर वन व्यक्ति खड़गे जी हैं। उनका कभी एब्सैन्ट होने का सवाल ही नहीं है। इसलिए वह प्रश्न उत्पन्न होता नहीं है। ...(व्यवधान)

श्री मल्लिकार्जुन खड़गे : यह देश के हित में और लोकतंत्र के हित में है।...(व्यवधान)

श्री एम. वैंकैय्या नायडू : नहीं, नहीं, मैं पर्सनली नहीं ले रहा हूँ।

श्री मल्लिकार्जुन खड़गे : हम रहें या न रहें, ये चमन आबाद रहे, यह हम कहना चाहते हैं।

श्री एम. वैंकैय्या नायडू : ज़रूर। जब हम दो थे, अटल जी और आडवाणी जी, उस समय हम दो हमारे दो किसने कहा? हम उसको भी अनुभव करके यहाँ 2 से 282 हुए। ...(व्यवधान) Shri Pappu Yadav, I have not disturbed you. This is not the way. You are still a youngster...(*Interruptions*) वे मेरे मित्र भी हैं। From 2, we have come back to 282. It is people's mandate. It is not the question of majority or minority.

Secondly, the Government is always ready to accommodate the Opposition to the extent possible. We are prepared to take its views. Whatever rationale approach you adopt, we are ready to take those views into consideration and make changes.

Finally I would like to say that this amendment is being brought to strengthen the functioning of the CBI which has been maligned in the recent years. Keeping in view the true spirit of democracy, the Government is bringing this amendment. You should not have any objection. For further improvement, let the debate go on and we can think at a later stage to make further amendments. Right from the first Prime Minister, Shri Nehru ji, Madam Indira ji, Shri Rahul ji, Shri Rajiv ji...(*Interruptions*) राहुल जी प्रधानमंत्री नहीं बन पाए...(व्यवधान) ठीक है, मेरे मुंह से निकला है। मैं स्वीकार करता हूं।...(व्यवधान) वे प्रधानमंत्री नहीं बन पाए। किसी व्यक्ति के बारे में मैं कभी मज़ाक में नहीं बोलता हूं। सदन से बाहर मेरा पोलिटिकल क्रिटीसिज्म अलग है। कांग्रेस से मेरा झगड़ा है, लेकिन सदन में मर्यादा, गरिमा रखने की मैं हमेशा कोशिश करता हूं। नेहरू जी के ज़माने में, इंदिरा जी के ज़माने में, राजीव जी के ज़माने में हम लोग विपक्ष में थे। हमें आपने कभी ऐसा रिक्ग्नेशन नहीं दिया। उस समय कोई प्राब्लम नहीं हुई और अभी भी कोई प्राब्लम नहीं है और न ही होगी । आप निश्चिंत रहिए और इस बिल को सपोर्ट कीजिए तथा लोकतंत्र का भला कीजिए।

श्री मल्लिकार्जुन खड़गे : रॉंग इप्रेशन नहीं जाना चाहिए। आपको भी मालूम है कि उस वक्त इतने एक्ट नहीं थे, जिसमें मैनडेटरी प्रोविजन ओपोजिशन लीडर का होना चाहिए। अब जबकि मैनडेटरी प्रोविजन है, उस वक्त और आज के वक्त में फर्क है इसलिए मैनडेटरी प्रोविजन रहने की वजह से आपको करना चाहिए।

श्री एम. वैंकैय्या नायडू : उस समय आप सत्ता में थे और हम विपक्ष में थे। अभी हम सत्ता में हैं और आप विपक्ष में हैं।

उत्तर पूर्वी क्षेत्र विकास मंत्रालय के राज्य मंत्री, प्रधान मंत्री कार्यालय में राज्य मंत्री, कार्मिक, लोक शिकायत और पेंशन मंत्रालय में राज्य मंत्री, परमाणु ऊर्जा विभाग में राज्य मंत्री तथा अंतरिक्ष विभाग में राज्य मंत्री (डॉ. जितेन्द्र सिंह) : महोदय, हमने सारे आदरणीय सांसदों की बातें ध्यान से सुनीं और संज्ञान लेने का भी प्रयास किया है। मुझे लगता है कि विशेष उत्तर लायक बात नहीं है क्योंकि कुल मिलाकर एक बहुत संतोष की बात है कि सबने सीबीआई की क्रेडिबिलिटी और उसकी प्रभुसत्ता बनी रहे, इसके लिए अपनी चिंता जतलाई है। I am glad, in fact, I thank the House including the Opposition Benches that they have, in fact, appreciated and endorsed our concern for upholding the credibility of CBI as well as the process of appointment of its Director. So, to that extent, I think, by and large, there has been a unanimous support to the proposal made by us. अलग-अलग ढंग से अलग-अलग माननीय सदस्यों ने अपना विचार रखा है और मुझे इस बात का विश्वास है कि सब इस बात को स्वीकारते हैं sometimes we say and sometimes we do not say, but even if it is left unspoken everybody acknowledge that by and large this amendment is inspired with reverence for the highest values of democratic propriety and parliamentary propriety.

While speaking about the two major clauses that have been discussed yesterday and today where there is a provision to have the leader of the largest Opposition Party in the panel for selection of the CBI Director in the absence of a recognised Leader of Opposition. I think, this is only meant to facilitate and make the process of selection of the CBI Director smoother, rather than create a hindrance. Since a situation had arisen like that, I think, this would also overcome that.

Sir, as far as the second clause is concerned, some apprehensions have been expressed that this is possibly done with an ulterior motive or a deliberate motive to include this clause of absence/vacancy. I would very humbly request the Opposition benches to just contemplate or imagine a situation where the absence could apply even to the Prime Minister of India, or the Chief Justice of India. So, we never meant that in the absence of the Leader of the Opposition or the leader of the largest party we would go ahead. It could be any of the three Members. Please keep in mind, the three Members are the Prime Minister of India, the Chief Justice of India and the Leader of the Opposition. So, if we look at it very objectively and dispassionately without subjective premonitions, I think we would be able to appreciate it.

Even in the Lokpal Act, there has been a provision to this extent. The Lokpal Act clearly states that the Selection Committee will, of course, consist of three members, namely, the Prime Minister, the Speaker and the Leader of Opposition, Chief Justice and one jurist appointed by the Chief Justice. It goes on to also specify that no appointment of a Chairperson or a member shall be invalid merely by reason of any vacancy in the Selection Committee. So, it is already there. It is not that something new has been brought in.

Similarly, if you look back at the Central Vigilance Commission Act, 2003, there is a clause there also which states that no appointment of a Central Vigilance Commissioner or a Vigilance Commissioner shall be invalid merely by reason of any vacancy in the Committee. So also in the Constitution (121st Amendment) Act, 2014, it is mentioned that there shall be a Commission to be known as the National Judicial Commission which will consist of the Chief Justice of India, two senior judges, the Union Minister in charge of Law and Justice, two eminent persons nominated by the

Prime Minister. The second clause again clearly states that no act or proceedings of the National Judicial Appointments Commission shall be questioned or be invalidated merely on the ground of the existence of any vacancy or defect – they have also used this word – in the constitution of the Commission. ...(*Interruptions*)

So, I was just trying to submit before you that it is not something unprecedented that is being done and it is not that something is being done with ulterior motive. All that is being submitted is to supplement the hon. Member's

concern for upholding the credibility of CBI and for making the process of the appointment of the CBI Director more transparent, more smooth and more facilitated.

Thank you, Mr. Deputy-Speaker, Sir.

SHRI BHARTRUHARI MAHTAB (CUTTACK): Perhaps the hon. Minister is a doctor or physician by profession; he is not a lawyer. So, here the basic issue is, the Bill that is getting amended is the Police Act. You mentioned about Lokpal Act, human rights and others. Those are not the Police Act. Here the Police Act is directly responsible to the Government. Whatever we may say and how independent the CBI may be, this is an Act which directly is under the Government.

Shri Satpathy will be moving his amendment. In that case, a Search Committee is there. Three members are there in it. Specifically, it is mentioned about any vacancy or absence. When will be an absence occur? Absence will occur when the whole ruling alliance will get covered or when the whole 543 seats will be covered. Only at that time, a vacancy or absence will occur. Otherwise, in a country like ours, such a thing will never happen. When such a thing will never happen, why do you have a provision that no appointment of a Director shall be invalid? You are making such a provision. I have my doubts whether this will stand the scrutiny of law in the apex court. This will never go through like this. On this Bill, we will be demanding a Division when the Bill will be put to the vote of the House.

HON. DEPUTY SPEAKER: The question is:

"That the Bill further to amend the Delhi Special Police Establishment Act, 1946, be taken into consideration."

...(*Interruptions*)

SHRI BHARTRUHARI MAHTAB: Sir, we demand Division.

SHRI K.C. VENUGOPAL (ALAPPUZHA): Sir, we demand Division.

HON. DEPUTY SPEAKER: Let the Lobbies be cleared.

Now, the lobbies have been cleared.

Hon. Members, all of you please take your seats. Let the House be in order. All of you please take your respective seats. Do not stand. I request all the Members to sit in the seats allotted to them. Please take your seats.

Now, Secretary-General may read out the instructions.

महासचिव, लोक सभा: माननीय सदस्यों का ध्यान स्वचालित मतदान रिकॉर्डिंग प्रणाली के संचालन से संबंधित निम्नलिखित बिन्दुओं की ओर आकृष्ट किया जाता है -

1. मतदान आरम्भ होने से पूर्व प्रत्येक माननीय सदस्य को अपना स्थान ग्रहण करना चाहिए और उस स्थान से ही प्रणाली का संचालन करना चाहिए।

2. जब माननीय उपाध्यक्ष 'अब मतदान' बोलेंगे, तो महासचिव मतदान बटन को एक्टिवेट करेंगे, जिसके पश्चात माननीय उपाध्यक्ष के आसन के दोनों ओर डिस्प्ले बोर्डों के ऊपर 'लाल बल्ब' जलेंगे और इसके साथ-साथ गंग की ध्वनि भी सुनाई देगी।

3. मतदान के लिए, माननीय सदस्य "" केवल " गंग की ध्वनि के पश्चात ही निम्नलिखित दोनों बटन एक साथ दबाएं। इस बात को पुनः दोहराया जाता है, केवल गंग की ध्वनि के बाद ही दोनों बटन साथ-साथ दबाए जाएं।

प्रत्येक माननीय सदस्य के सामने हेड फोन प्लेट पर लगा " वोट बटन "

और

सीट के डेस्क के सबसे ऊपर लगे निम्नलिखित बटनों में से कोई एक बटन :

हां : हरा रंग

नहीं : लाल रंग

मतदान में भाग न लेना : पीला रंग

4. गंग ध्वनि दूसरी बार सुनाई देने तक और प्लाज्मा डिस्प्ले के ऊपर लगे लाल बल्बों के बुझने तक दोनों बटन को दबाए रखना अनिवार्य है।

5. माननीय सदस्य कृपया नोट करें कि उनके मत दर्ज नहीं होंगे यदि :

(एक) पहली गंग ध्वनि सुनाई देने से पहले बटन दबाया जाता है।

(दो) दूसरी गंग ध्वनि सुनाई देने तक दोनों बटन को एक साथ दबाकर नहीं रखा जाता है।

6. माननीय सदस्य माननीय अध्यक्ष के आसन की दोनों तरफ संस्थापित डिस्प्ले बोर्डों पर अपना मत देख सकते हैं।

7. मत रजिस्टर नहीं होने की दशा में, वे पर्ची के माध्यम से मतदान की मांग कर सकते हैं।

HON. DEPUTY-SPEAKER: The question is:

"That the Bill further to amend the Delhi Special Police Establishment Act, 1946, be taken into consideration."

The Lok Sabha divided:

HON. DEPUTY-SPEAKER: There is something wrong with the voting machine. Let the slips be distributed.

...(*Interruptions*)

HON. DEPUTY-SPEAKER: Please listen. Because of some technical reasons, that is not working now. Once again, they are trying. If it is not working, it means some problem is there. Slips will be circulated. Once again, we will try.

The Lobbies have been cleared.

...(*Interruptions*)

HON. DEPUTY-SPEAKER: Hon. Members, please release your hands from the voting machine first. Somebody is pressing it. That is the problem. When I am calling "Division", at that time, you can press the buttons.

Now, once again, Division.

The Lok Sabha divided:

DIVISION No. -1 **AYES** **13.30hrs.**

Agrawal, Shri Rajendra

Ahluwalia, Shri S.S.

Amarappa , Shri Karadi Sanganna

Angadi, Shri Suresh C.

Baheria, Shri Subhash Chandra

Bala, Shrimati Anju

Bhabhor, Shri Jasvantsinh Sumanbhai

Bhamre, Dr. Subhash Ramrao

Bhatt, Shrimati Ranjanben

Bhole, Shri Devendra Singh

Bidhuri, Shri Ramesh

Chakravarty, Shrimati Bijoya

Chandel, Kunwar Pushpendra Singh

Chaudhary, Shri C. R.

Chaudhary, Shri Haribhai

Chaudhary, Shri P.P.

Chaudhary, Shri Pankaj

Chautala, Shri Dushyant

*Chavda, Shri Vinod Lakhmashi

Chhotelal, Shri

*Chinnaiyan, Shri S. Selvakumara

Choubey, Shri Ashwini Kumar

Choudhary, Shri Birendra Kumar

Danve, Shri Raosaheb Patil

Deka, Shri Ramen

Devi, Shrimati Veena

Dhotre, Shri Sanjay

*Elumalai, Shri V.

Gaddigoudar, Shri P.C.

Gaikwad, Dr. Sunil Baliram

Gautam, Shri Satish Kumar

Gavit, Dr. Heena Vijaykumar

Geetha, Shrimati Kothapalli

Girri, Shri Maheish

Gohain, Shri Rajen

Gopalakrishnan, Shri R.

Haribabu, Dr. Kambhampati

Jaiswal, Dr. Sanjay

Joshi, Shri Chandra Prakash

Joshi, Shri Pralhad

Kachhadia, Shri Naranbhai

Kamaraj, Dr. K.

Karandlaje, Kumari Shobha

Kashyap, Shri Dinesh

Katheria, Dr. Ramshankar

Kaushik, Shri Ramesh Chander

*Khaire, Shri Chandrakant

Khanna, Shri Vinod

Kher, Shrimati Kirron

Khuba, Shri Bhagwanth

*Kinjarapu, Shri Ram Mohan Naidu

*Kulaste, Shri Faggan Singh

Kumar, Kunwar Sarvesh

*Kumar, Shri Dharmendra

Kushawaha, Shri Ravinder

Kushwaha, Shri Upendra

Lekhi, Shrimati Meenakashi

*Lokhande, Shri Sadashiv

*Maadam, Shrimati Poonamben

Mahato, Dr. Banshilal

Manjhi, Shri Hari

*Marabi, Shri Kamal Bhan Singh

Maurya, Shri Keshav Prasad

Meena, Shri Harish

Meghwal, Shri Arjun Ram

Mishra, Shri Bhairon Prasad

Mishra, Shri Daddan

*Mohan, Shri M. Murli

Mohan, Shri P.C.

Munde, Dr. Pritam Gopinath

Nagarajan, Shri P.

Narasimham, Shri Thota

Natterjee, Shri J.J.T.

Nete, Shri Ashok Mahadeorao

Pandey, Dr. Mahendra Nath

*Pandey, Shri Hari Om

Paraste, Shri Dalpat Singh

Parasuraman, Shri K.

Patel, Shri Prahlad Singh

Patel, Shrimati Anupriya

Pathak, Shrimati Riti

Patil, Shri Bheemrao B.

Patil, Shri Kapil Moreshwar

Patil, Shri Sanjay Kaka

Phule, Sadhvi Savitri Bai

*Radhakrishnan, Shri Pon

*Radhakrishnan, Shri T.

*Raj, Shrimati Krishna

Raajhaa, Shri A. Anwhar

Rajbhar, Shri Harinarayan

*Rajendran, Shri S.

Rajoria, Dr. Manoj

**Rajput, Shri Mukesh

Ram, Shri Janak

Ramachandran, Shri K. N.

Rathwa, Shri Ramsinh

Raut, Shri Vinayak Bhaurao

*Reddy, Shri A.P. Jithender

Reddy, Shri Ch. Malla

Reddy, Shri J.C. Divakar

Reddy, Shri Konda Vishweshwar

Reddy, Shri Kotha Prabhakar

Reddy, Shri Mekapati Raja Mohan

Reddy, Shri P.V. Midhun

Reddy, Shri Y. S. Avinash

Reddy, Shri Y. V. Subba

Renuka, Shrimati Butta

Rudy, Shri Rajiv Pratap

Sahu, Shri Chandulal

Sahu, Shri Lakhan Lal

Sai, Shri Vishnu Dev

Sarmah, Shri Ram Prasad

Sarswati, Shri Sumedhanand

Sathyabama, Shrimati V.

Sawaikar, Adv. Narendra Keshav

Senthilnathan, Shri P. R.

Shah, Shrimati Mala Rajyalakshmi

Sharma, Shri Ram Kumar

Sharma, Shri Ram Swaroop

Shetty, Shri Gopal

Shetty, Shri Raju

Shinde, Dr. Shrikant Eknath

Shirole, Shri Anil

Shyal, Dr. Bhartiben D.

Sigriwal, Shri Janardan Singh

Simha, Shri Pratap

Singh, Dr. Bhola

Singh, Dr. Jitendra

*Singh, Dr. Nepal

Singh, Dr. Satya Pal

Singh, Dr. Yashwant

Singh, Shri Abhishek

Singh, Shri Bhola

Singh, Shri Dushyant

*Singh, Shri Hukum

Singh, Shri Nagendra

Singh, Shri R. K.

Singh, Shri Rajveer (Raju Bhaiya)

Singh, Shri Sushil Kumar

*Solanki, Dr. Kirit P.

Somaiya, Dr. Kirit

Sonkar, Shri Vinod Kumar

Sonker, Shrimati Neelam

Srinivas, Shri Kesineni

Sriramulu, Shri B.

Suman, Shri Balka

Sundaram, Shri P. R.

Tamta, Shri Ajay

Tanwar, Shri Kanwar Singh

Tasa, Shri Kamakhya Prasad

Teli, Shri Rameshwar

Thakur, Shri Anurag Singh

Tiwari, Shri Manoj

Tripathi, Shri Sharad

Udasi, Shri Shivkumar

Udhayakumar, Shri M.

Usendi, Shri Vikram

Vasanthi, Shrimati M.

Vasava, Shri Manshukhbhai Dhanjibhai

Vasava, Shri Parbhubhai Nagarbhai

Velagapalli, Shri Varaprasad Rao

Venkatesh Babu, Shri T. G.

Venugopal, Dr. P.

Verma, Shri Bhanu Pratap Singh

Verma, Shri Parvesh Sahib Singh

Verma, Shrimati Rekha

*Vijaya Kumar, Shri S. R.

Yadav, Shri Hukmdeo Narayan

Yadav, Shri Ram Kripal

*Yediyurappa, Shri B.S.

NOES

Antony, Shri Anto

Anwar, Shri Tariq

*Chandrappa, Shri B. N.

Chaudhary, Shri Santokh Singh

Deo, Shri Arka Keshari

Dev, Kumari Sushmita

Dhruvanarayana, Shri R.

Faizal, Mohammed

*Gandhi, Shrimati Sonia

George, Adv. Joice

Gogoi, Shri Gaurav

Hikaka, Shri Jhina

Hooda, Shri Deepender Singh

Jena, Shri Rabindra Kumar

*Karunakaran, Shri P.

Kharge, Shri Mallikarjun

Kumar, Shri Kaushalendra

Kumar, Shri Santosh

Laguri, Shrimati Sakuntala

Mahadik, Shri Dhananjay

Mahtab, Shri Bhartruhari

Majhi, Shri Balbhadra

Misra, Shri Pinaki

Mohapatra, Dr. Sidhant

*Moily, Shri M. Veerappa

Muniyappa, Shri K.H.

Naik, Shri B.V.

Pala, Shri Vincent H.

Patasani, Shri Prasanna Kumar

*Pradhan, Shri Nagendra Kumar

Premachandran, Shri N.K.

Rai, Shri Prem Das

Ramachandran, Shri Mullappally

Ranjan, Shri Rajesh

Samal, Dr. Kulmani

Sampath, Dr. A.

Satav, Shri Rajeev

Satpathy, Shri Tathagata

Shankarrao, Shri Mohite Patil Vijaysinh

Singh, Dr. Prabhas Kumar

Singh, Shri Ravneet

Sule, Shrimati Supriya

Suresh, Shri D.K.

Suresh, Shri Kodikunnil

*Swain, Shri Ladu Kishore

Tarai, Shrimati Rita

*Venugopal, Shri K. C.

HON. DEPUTY SPEAKER: Subject to correction*, the result of the Division is:

Ayes: 147

Noes: 41

The motion was adopted.

Clause 2

HON. DEPUTY SPEAKER: The House will now take up clause-by-clause consideration of the Bill. Shri Tathagata Satpathy, are you moving your amendment to clause 2?

SHRI TATHAGATA SATPATHY (DHENKANAL): Yes, Sir, I beg to move:

Page 1, *for* lines 11 and 12, –

s*ubstitute* ' "(2) No appointment of a Director shall be valid if, for any reason, there is a vacancy or absence of any Member in the Committee.".' (1)

Sir, I believe that laws should be created in such a fashion that they have, in their very formative character, timelessness imprinted very strongly. In other words, relevance in perpetuity must be one of the guiding factors of any law while it is being drafted or enacted by this House. That is not what we see in today's Parliament. I may be mistaken and I am willing to be corrected, but there is a strong feeling that this appears to be an attempt to misguide this august House. This Government has been marked as tinkering with previously laid down laws and procedures since inception.

One of our senior colleagues mentioned about a dictator. I would not go as far as that. It is not proper in a democracy to label somebody as a dictator but it has to be noted that none has forgotten the sordid saga of altering the Constitution of this pious land for a mere retired bureaucrat to be reappointed in a particular office of very high value. Sir, you understand what high value means.

HON. DEPUTY SPEAKER: Satpathy *ji*, please take your seat.

SHRI TATHAGATA SATPATHY : If this Delhi Special Police Establishment (Amendment) Bill gets passed by this hon. House in its present form, it has the potential for mischief in the future is what is writ large. It is incumbent upon this House to avoid this at all costs. ...(*Interruptions*)

HON. DEPUTY SPEAKER: Nothing will go on record.

*(Interruptions) â€¦**

HON. DEPUTY SPEAKER: I shall now put Amendment No. 1 moved by Shri Tathagata Satpathy to the vote of the House.

The amendment was put and negatived.

SHRI TATHAGATA SATPATHY : Sir, I demand division.

HON. DEPUTY SPEAKER: That is over. You would have said at that time; you have not said that.

...(*Interruptions*)

HON. DEPUTY SPEAKER: Okay, now division.

The Lok Sabha divided:

DIVISION No. -2 **AYES** **13.36 hrs.**

Antony, Shri Anto

*Chandrappa, Shri B. N.

*Chaudhary, Shri Santokh Singh

Chautala, Shri Dushyant

*Deo, Shri Arka Keshari

Dev, Kumari Sushmita

*Devi, Shrimati Veena

Dhruvanarayana, Shri R.

Faizal, Mohammed

Gandhi, Shrimati Sonia

George, Adv. Joice

Gogoi, Shri Gaurav

**Gowda, Shri S.P. Muddahanume

*Hikaka, Shri Jhina

Hooda, Shri Deepender Singh

Jena, Shri Rabindra Kumar

Kumar, Shri Kaushalendra

*Kumar, Shri Santosh

*Laguri, Shrimati Sakuntala

*Mahadik, Shri Dhananjay

Mahtab, Shri Bhartruhari

*Majhi, Shri Balbhadra

Misra, Shri Pinaki

Moily, Shri M. Veerappa

Muniyappa, Shri K.H.

*Naik, Shri B.V.

Pala, Shri Vincent H.

Pradhan, Shri Nagendra Kumar

**Premachandran, Shri N.K.

Rai, Shri Prem Das

Ramachandran, Shri Mullappally

Ranjan, Shri Rajesh

Reddy, Shri Konda Vishweshwar

Reddy, Shri Kotha Prabhakar

*Samal, Dr. Kulmani

Sampath, Dr. A.

Satav, Shri Rajeev

Satpathy, Shri Tathagata

**Shankarrao, Shri Mohite Patil Vijaysinh

*Singh, Dr. Prabhas Kumar

Singh, Shri Ravneet

Srinivas, Shri Kesineni

Sule, Shrimati Supriya

Suman, Shri Balka

Suresh, Shri D.K.

Suresh, Shri Kodikunnil

*Swain, Shri Ladu Kishore

*Tarai, Shrimati Rita

*Venugopal, Shri K. C.

NOES

Agrawal, Shri Rajendra

Ahluwalia, Shri S.S.

*Amarappa, Shri Karadi Sanganna

Angadi, Shri Suresh C.

Baheria, Shri Subhash Chandra

Bala, Shrimati Anju

Bhabhor, Shri Jasvantsinh Sumanbhai

**Bhamre, Dr. Subhash Ramrao

Bhatt, Shrimati Ranjanben

*Bhole, Shri Devendra Singh

Bidhuri, Shri Ramesh

*Chakravarty, Shrimati Bijoya

Chaudhary, Shri C. R.

Chaudhary, Shri Haribhai

*Chaudhary, Shri P.P.

Chaudhary, Shri Pankaj

Chavan, Shri Harishchandra

*Chavda, Shri Vinod Lakhmashi

*Chhotelal, Shri

*Chinnaiyan, Shri S. Selvakumara

Choubey, Shri Ashwini Kumar

*Choudhary, Shri Birendra Kumar

Danve, Shri Raosaheb Patil

*Deka, Shri Ramen

Elumalai, Shri V.

Gaddigoudar, Shri P.C.

Gaikwad, Dr. Sunil Baliram

*Gautam, Shri Satish Kumar

Gavit, Dr. Heena Vijaykumar

Geetha, Shrimati Kothapalli

Girri, Shri Maheish

*Gohain, Shri Rajen

*Gopalakrishnan, Shri C.

*Gopalakrishnan, Shri R.

Haribabu, Dr. Kambhampati

Hukkeri, Shri Prakash B.

*Jaiswal, Dr. Sanjay

Joshi, Shri Pralhad

*Kachhadia, Shri Naranbhai

Kamaraj, Dr. K.

*Karandlaje, Kumari Shobha

Kashyap, Shri Dinesh

Katheria, Dr. Ramshankar

Kaushik, Shri Ramesh Chander

*Khaire, Shri Chandrakant

*Khanna, Shri Vinod

*Kher, Shrimati Kirron

Khuba, Shri Bhagwanth

Kinjarapu, Shri Ram Mohan Naidu

*Kirtikar, Shri Gajanan

Kulaste, Shri Faggan Singh

Kumar, Kunwar Sarvesh

Kumar, Shri Dharmendra

*Kushawaha, Shri Ravinder

Kushwaha, Shri Upendra

Lekhi, Shrimati Meenakashi

*Lokhande, Shri Sadashiv

Maadam, Shrimati Poonamben

Manjhi, Shri Hari

Marutharajaa, Shri R. P.

Maurya, Shri Keshav Prasad

Meena, Shri Harish

Meghwal, Shri Arjun Ram

Mishra, Shri Bhairon Prasad

Mishra, Shri Daddan

*Mohan, Shri M. Murli

*Mohan, Shri P.C.

Munde, Dr. Pritam Gopinath

Nagarajan, Shri P.

*Narasimham, Shri Thota

Natterjee, Shri J.J.T.

*Nete, Shri Ashok Mahadeorao

Pandey, Dr. Mahendra Nath

Pandey, Shri Hari Om

*Panneerselvam, Shri V.

*Paraste, Shri Dalpat Singh

*Parasuraman, Shri K.

Parthipan, Shri R.

*Patel, Shri Prahlad Singh

*Patel, Shrimati Anupriya

*Pathak, Shrimati Riti

Patil, Shri Kapil Moreshwar

Patil, Shri Sanjay Kaka

Phule, Sadhvi Savitri Bai

*Prabakaran, Shri K. R. P.

*Radhakrishnan, Shri Pon

*Radhakrishnan, Shri T.

Raj, Shrimati Krishna

*Raajhaa, Shri A. Anwhar

*Rajbhar, Shri Harinarayan

*Rajendran, Shri S.

Rajoria, Dr. Manoj

*Rajput, Shri Mukesh

Ram, Shri Janak

Ramachandran, Shri K. N.

*Rathwa, Shri Ramsinh

Raut, Shri Vinayak Bhaurao

Reddy, Shri A.P. Jithender

*Reddy, Shri Ch. Malla

Reddy, Shri Mekapati Raja Mohan

Reddy, Shri P.V. Midhun

Reddy, Shri Y. S. Avinash

Reddy, Shri Y. V. Subba

Renuka, Shrimati Butta

Rudy, Shri Rajiv Pratap

Sahu, Shri Chandulal

Sahu, Shri Lakhan Lal

Sai, Shri Vishnu Dev

Saini, Shri Rajkumar

*Sarmah, Shri Ram Prasad

Sarswati, Shri Sumedhanand

Sathyabama, Shrimati V.

Sawaikar, Adv. Narendra Keshav

Senthilnathan, Shri P. R.

Shah, Shrimati Mala Rajyalakshmi

*Sharma, Shri Ram Swaroop

Shetty, Shri Gopal

Shetty, Shri Raju

**Shinde, Dr. Shrikant Eknath

*Shirole, Shri Anil

Shyal, Dr. Bhartiben D.

*Sigriwal, Shri Janardan Singh

Simha, Shri Pratap

Singh, Dr. Bhola

Singh, Dr. Nepal

*Singh, Dr. Satya Pal

Singh, Shri Dushyant

*Singh, Shri Hukum

*Singh, Shri Nagendra

Singh, Shri R. K.

*Singh, Shri Rajveer (Raju Bhaiya)

**Singh, Shri Sushil Kumar

*Singh, Shri Virendra

*Solanki, Dr. Kirit P.

Somaiya, Dr. Kirit

*Sonkar, Shri Vinod Kumar

Sonker, Shrimati Neelam

Sriramulu, Shri B.

Sundaram, Shri P. R.

*Tamta, Shri Ajay

Tanwar, Shri Kanwar Singh

Tasa, Shri Kamakhya Prasad

*Teli, Shri Rameshwar

Thakur, Shri Anurag Singh

Tiwari, Shri Manoj

Tripathi, Shri Sharad

Udasi, Shri Shivkumar

Udhayakumar, Shri M.

*Usendi, Shri Vikram

*Vasanthi, Shrimati M.

Vasava, Shri Manshukhbhai Dhanjibhai

Vasava, Shri Parbhubhai Nagarbhai

Venkatesh Babu, Shri T. G.

Venugopal, Dr. P.

*Verma, Shri Bhanu Pratap Singh

*Verma, Shri Parvesh Sahib Singh

Verma, Shrimati Rekha

Vijaya Kumar, Shri S. R.

Yadav, Shri Hukmdeo Narayan

Yadav, Shri Ram Kripal

*Yediyurappa, Shri B.S.

HON. DEPUTY SPEAKER: Subject to correction*, the result of the Division is:

Ayes:	34
Noes:	101
Abstain	001

The motion was negatived.

HON. DEPUTY SPEAKER: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1, the Enacting Formula and the Long Title were added to the Bill.

...(*Interruptions*)

DR. JITENDRA SINGH: I beg to move:

"That the Bill be passed."

HON. DEPUTY SPEAKER: Motion moved:

"That the Bill be passed."

SHRI MALLIKARJUN KHARGE : Sir, I have already expressed my views. But this Bill, which is brought here, is exclusively aiming at Leader of the Opposition. Why I am telling this is because constitutionally the posts of Prime Minister and Chief Justice of India cannot be kept vacant. There will be vacuum only for the post of Leader of the Opposition. ...(*Interruptions*) But if Opposition Leader is not there then they can go ahead easily. ...(*Interruptions*) That is the intention of the Government specifically aiming towards Opposition parties. ...(*Interruptions*) They are doing it. It is not good. ...(*Interruptions*) It has been done purposely. ...(*Interruptions*)

SHRI M. VENKAIAH NAIDU: There will be some largest parties, two or three or four or five. ...(*Interruptions*)

HON. DEPUTY SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.

HON. DEPUTY SPEAKER: Lobbies may be opened.

The House stands adjourned to meet again at 2.30 p.m.

13.44 hrs

The Lok Sabha then adjourned till

Thirty Minutes past Fourteen of the Clock.

14.31 hrs

The Lok Sabha re-assembled after Lunch at Thirty One Minutes past

Fourteen of the Clock.

(Hon. Deputy-Speaker *in the Chair*)